THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.14467 OF 2007

ORAL ORDER:

The petitioner herein is the authorized dealer of the fair price shop of Nagambotlapalem village, Talluru Mandal, Prakasam District. His authorisation was cancelled vide proceedings of the third respondent dated 16.5.2007 after conducting due enquiry. Challenging the said order, this writ petition has been filed.

Though various grounds have been raised on merits, it is to be noted that against the impugned order dated 16.5.2007 an alternative remedy of Appeal is available before the Joint Collector, Prakasam District and, therefore, without exhausting such an alternative remedy, the petitioner cannot maintain this writ petition. The petitioner states that as a matter of fact, he preferred an Appeal on 25.5.2007 along with an application for stay, however, the 2nd respondent failed to consider the same.

Since, admittedly, Statutory Appeal is pending before the 2nd respondent, it is neither proper nor necessary for this Court to express any opinion on merits. In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent to dispose of the Appeal on his file as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order. Keeping in view that by virtue of the order passed by this Court in W.P.No.24377 of 2006 dated 27.11.2006 the petitioner was permitted to continue as the fair price shop dealer during pendency of the enquiry against the petitioner, I am of the opinion that it would be appropriate to continue the same till the Appeal is disposed of. Accordingly, the operation of the order of cancellation dated 16.5.2007 shall remain stayed till the Appeal is decided by the 2nd respondent on merits. No costs.

9th July, 2007.

(G. ROHINI, J.)

Note: Furnish CC in three days.

(Bo)

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.14467 OF 2007

9th July, 2007.

Between:

Boinapalli Venkateswarlu. ..Petitioner.

And

The District Collector,
Prakasam District at Ongole and others. .. Respondents.